IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7551 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SHARDABEN H SOLANKI & 2 - Petitioners
Versus
DISTRICT PANCHAYAT GANDHINAGAR & 1 - Respondents

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Appearance :
MR RK MISHRA for Petitioners : 1 - 3.
MR SUNIL K SHAH for Respondents : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

Date : 25/07/2007

ORAL JUDGMENT

1. Heard learned counsel for the parties.

2. Shri M.B.Rana, learned advocate for Mr. Mishra, learned

advocate for the petitioners submits that the petitioners have filed this petition for regularization in the establishment of District Panchayat, Gandhinagar as Safai Kamdar, Class-IV employees as they have rendered their services since last about 15 to 16 years. Shri Rana, learned counsel appearing for the petitioners submits that the petitioners are desirous of making representation in detail to respondent No. 1 – D.D.O for regularization, absorption and/or continuation as per existing policy and they may not be terminated till the disposal of their representation.

3. Shri Shah, learned counsel appearing for the respondents could not resist this request.

4. In view of this, the following order deserves to be made in the interest of justice.

5. The petitioners are in fact lowly paid part time employees and they have been engaged for quite some time. This Court (Coram: Ms. R.M.Doshit, J.) vide order dated 11.1.2000 passed the following order :-

"Heard the learned advocates for the respective parties.

2. It is not disputed that neither of the petitioners is qualified to be appointed in Class-IV Service of the respondent – Panchayat. However, I am informed at the Bar that since issuance of the notice by this Court, the petitioners' part-time service as Safai Kamdars has been terminated with effect from 1st January, 2000.

There does not seems to be any justification in discontinuing service of the petitioners as part time Safai Kamdars.

3. Rule. Pending this petition, the respondents shall continue service of the petitioners as part time Safai Kamdars. Their service, however, shall be terminable by way of disciplinary measure."

6. The petitioners may make representation within one month from today and the D.D.O – respondent No. 1 hereinabove is directed to decide the same in accordance with law and existing policy. As the petitioners have been protected by this Court as noted hereinabove, it is in the interest of justice that status-quo as on date be maintained till the representation of the petitioners are decided by the D.D.O.

7. In view of the aforesaid direction, Shri Rana, for Mr. Mishra, learned counsel appearing for the petitioners seeks permission to withdraw this petition. The permission as sought for is granted. The petitioner is disposed of as having been withdrawn. Rule is sdischarged. Interim relief stands vacated. There shall be no order as to costs. Liberty is granted to the petitioners to approach this Court by filing fresh petition in case the decision is against the petitioners.

(S.R.BRAHMBHATT, J.)

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